



## **BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION**

### **Waiver No. 05-01-002**

For one year after leaving County employment, a former employee must not enter into any employment agreement with any person or business if, during the prior three years, the employee significantly participated in any procurement or other contractual activity concerning a contract with that person or business. § 19A-13(b). Joan Liversidge, Director of the County's Infants and Toddlers Program, asks the Commission to waive this provision to allow her to work for one of three County contractors. We will issue the requested waiver because the former employee meets the criteria for a waiver under § 19A-8(c).

Ms. Liversidge is the Director of Montgomery County Infants and Toddlers Program ("program"). This program in the Department of Health and Human Services (DHHS) serves children from birth to three years old and their families, when there is a concern about development or a documented developmental delay. The program is Federally mandated, State regulated, and locally implemented. All three government entities require public/private partnerships and interagency collaboration to build and sustain an early intervention system in the local jurisdiction. Ms. Liversidge readily admits that, in her capacity as program director and as a Program Manager for Early Childhood Services, she has had significant participation in contractual development and monitoring for most of the private, community based agencies serving young children in Montgomery County. She states that the program has been recognized as a model for collaborative programming in human service delivery programs, in part because of the extensive and successful outreach efforts to the private sector.

Ms. Liversidge argues that § 19A-13(b) seems unduly restrictive in the emerging area of public/private partnerships. Without a waiver, she contends, this law could jeopardize recruitment and hiring for any program that mandates public/private, interagency collaborative service delivery. This also creates an incentive to not extend the public/private outreach as far as it might otherwise go, reducing the effectiveness of programs that depend on public/private partnerships. She notes that Montgomery County's Infants and Toddlers Program is the largest in the State and enjoys a reputation for being one of the most effective in a County that presents many challenges. It is essential to have in place County practices that enable the County to hire a highly qualified person to continue leading this effort for the benefit of young children and families in the County.

Ms. Liversidge writes that, for the last 25 years, she has worked in the human service area with children, families, and community- based agencies. Prior to her employment with the

County, she was employed with the YMCA in Montgomery County. Her private, community based agency experience helped her successfully create two public/private partnerships during fourteen years with the County—Community Partnership for the prevention of alcohol, drugs and tobacco; and the Infants and Toddlers Program. Absent a waiver, she surmises, the County's children and families would be prevented, for at least the next year, from the benefit of her experience and knowledge due to an inability to be employed by most of the private, community based agencies serving children and families.

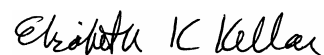
Ms. Liversidge asks that the Commission allow her to work for one of the following three agencies, in projects related to the early childhood/early intervention: Family Services Agency, Inc.; Reginald Center for Infants and Young Children; and the Mental Health Association of Montgomery County. She concludes: "I believe that a relationship with any of these agencies in a project that I have not been currently monitoring under a contract with the Infants and Toddlers Program of DHHS would not represent an actual conflict of interest. Furthermore, the best interests of the County and its youngest citizens would be served."

Section 19A-8(c) states that, upon written request, the Commission may waive the prohibitions of § 19A-13 if it finds that (1) failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees or (2) the proposed employment is not likely to create an actual conflict of interest.

The Commission finds that Ms. Liversidge has made a convincing case for a waiver. She notes that her work in the human service area typically involves public/private partnerships and that it would be exceedingly difficult for her to find work with an employer with whom she has not had some interaction either as program director or Program Manager for Early Childhood Services. Her private, community based agency experience helped her successfully create two public/private partnerships during fourteen years with the County. The Commission believes that failure to grant the requested waiver might reduce the ability of the County to hire or retain highly qualified public employees in Ms. Liversidge's position.

The requested waiver is granted.

FOR THE COMMISSION:



Elizabeth K. Kellar, Chair

February 22, 2005